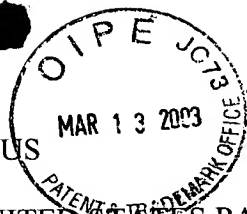


DOCKET NO: 203595US



#15 / election  
3/21/03  
a.s.

IN THE UNITED STATES PATENTS & TRADEMARKS OFFICE

IN RE APPLICATION OF:

YOJI KAWAMOTO

: GROUP: 2685

SERIAL NO: 09/126,007

:

FILED: JULY 29, 1998

: EXAMINER: CRAVER

FOR: INFORMATION PROCESSING  
APPARATUS AND METHOD,  
INFORMATION PROCESSING  
SYSTEM, AND TRANSMISSION MEDIUM

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RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In response to the Restriction Requirement dated December 17, 2002, Applicant elects, with traverse, Claims 1-5, 12-15, 50, 52, 56, 57, 64, 65, 73, 74, 82, 84, 86, and 88-91 (Group I, directed to a information processing apparatus) for examination on the merits in the present application. Applicant makes this election based on the understanding that Applicant is not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Furthermore, M.P.E.P. §803 states the following:

...If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the Office Action has identified separate classifications, making a *prima facie* case of a serious burden, it is respectfully submitted that there is no serious burden in searching and examining the entire application.

Since electronics searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without any additional effort. As patents and other publications in this art often contain descriptions of both a subcombination and a related combination, information as to both combination and subcombination can be found in the same publication. It is thus very likely that patents and publications in the field of the claimed subcombination will have descriptions of the combination that contains the subcombination, greatly facilitating the prior art search and the consideration of both combination and subcombination claims. Moreover, Applicant respectfully points out that thousands of U.S. patents have issued in which many more than two subclasses are searched, and the Office cannot reasonably assert that a burden exists in searching only three subclasses. Accordingly, Applicant respectfully traverses the Restriction Requirement on the grounds that a search and examination of the entire application would not place a serious burden on the examiner, whereas it would be a serious burden to Applicant to prosecute and maintain separate applications on the restricted inventions.

Therefore, it is respectfully requested that the requirement to elect a single group of claims be withdrawn and that a full examination on the merits of Claims 1-101 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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